

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00479

THEODORE MILLER, et al.,

Defendants.

**ORDER**

The Court has reviewed the letter-form answer/motion to stay (Document 9) filed as to Defendant Bear Investments and Business Consulting, LLC, and the letter-form answer/motion to stay (Document 10) filed as to Defendant Bear Industries, LLC. Both pleadings have been filed by Defendant Theodore Miller, who appears to be a non-attorney owner of these companies. As limited liability companies, neither Bear Investments and Business Consulting, LLC, nor Bear Industries, LLC, may appear in federal court without a licensed attorney.

“It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel.” *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 201–02 (1993) (citing *Osborn v. President of Bank of United States*, 9 Wheat. 738, 829, 6 L.Ed. 204 (1824)). Accordingly, “the lower courts have uniformly held that 28 U.S.C. § 1654, providing that ‘parties may plead and conduct their own

cases personally or by counsel,’ does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.” *Id.* (collecting cases); *see Givens v. Longwell*, No. 5:22-CV-290, 2023 WL 4544467, at \*3–4 (N.D.W. Va. July 5, 2023), *aff’d*, No. 23-1739, 2023 WL 8064747 (4th Cir. Nov. 21, 2023) (“It has uniformly been held by the Fourth Circuit and all of the other circuits that the provisions of 28 U.S.C. § 1654 prohibit a non-attorney individual from representing a corporation in the federal courts.”); *Microsoft Corp. v. Computer Serv. & Repair, Inc.*, 312 F.Supp.2d 779, 780 (E.D.N.C.2004) (“[T]he law is well established that a corporation cannot appear *pro se*.”). Likewise, the Fourth Circuit has repeatedly considered—and rejected—the right of individuals to litigate *pro se* on behalf of others. *Wojcicki v. SCANA/SCE&G*, 947 F.3d 240, 244 (4th Cir. 2020) (finding *pro se* relator cannot bring a qui tam FCA action) (citing *Myers v. Loudoun Cty. Pub. Sch.*, 418 F.3d 395, 401 (4th Cir. 2005) (holding “that non-attorney parents generally may not litigate the claims of their minor children in federal court.”)).

Wherefore, after careful consideration, the Court **ORDERS** that Documents 9 and 10 be **STRICKEN** inasmuch as Theodore Miller appears to be a non-attorney who improperly filed answers on behalf of Bear Investments and Business Consulting, LLC, and Bear Industries, LLC, which are, therefore, acting without an attorney.

The Court **ORDERS** that **Defendant Bear Investments and Business Consulting, LLC, and Defendant Bear Industries, LLC, have thirty (30) days from the entry of this Order to retain duly licensed counsel to note an appearance and represent them in this matter.** Further, the Court notes that, without the appearance of counsel, there is a risk of default being entered against Bear Investments and Business Consulting, LLC, and Bear Industries, LLC.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: September 24, 2024



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA